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Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK
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No. _____

In The

Supreme Court of The United States

Grant Garvin

Petitioner

V.

State of Rhode Island

Respondent

On Petition For Writ Of Certiorari
To The Rhode Island Supreme Court

PETITION FOR WRIT OF CERTIOARI

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Questions Presented for Review

1. DO NINTH AMENDMENT RIGHTS SURVIVE THE FOURTEENTH AMENDMENT IN CERTAIN CIRCUMSTANCES?

2. HAS FOURTEENTH AMENDMENT ANALYSIS RENDERED THE NINTH AMENDMENT INOPERATIVE?

3. CAN ONE EVER RELY ON THE NINTH AMENDMENT TO PROTECT CONSTITUTIONALLY GUARANTEED RIGHTS?

4. DO NINTH AMENDMENT RIGHTS EXIST?

All parties are listed on the caption.

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Citation of the Case

The opinion of the Rhode Island Supreme Court in State v. Garvin, 945 A.2d 821(R.I., 2008) is reproduced in the Appendix @ ix .

Jurisdiction

The Rhode Island Supreme Court entered a denial of a Motion For Reargument on June 3, 2008 and is reproduced in the Appendix @ xvii. Petitioner seeks review of the judgment of the highest state court and invokes jurisdiction under 28 U.S.C. 1257(a).

There is no cross petition filed for a writ of certiorari.

Constitutional Provisions Relied Upon by the Petitioner

The Petitioner specifically relies upon the Ninth Amendment of the United States Constitution, along with the Tenth Amendment to the extent it is applicable, and specifically disavows the Fourteenth Amendment citizenship found in the Constitution of the United States whereby he asserts he is a state Citizen and not a citizen of the federal government, except to the extent of the rights and duties conferred to and by him in the original Constitution of the United States of America.

NINTH AMENDMENT

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

TENTH AMENDMENT

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

FOURTEENTH AMENDMENT

SECTION 1 – All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The state statute and promulgated rule in question

Rhode Island General Law § 31-10-26
Issuance of license.

(l) The division of motor vehicles shall collect from applicants and licensees their social security numbers and tax identification numbers only to the extent required by federal law. Such numbers shall not be included, either digitally or visually, on the operator's or chauffeur's license.

Rules and Regulations Relating To Submission Of Documents By Applicants For Operator's License, Chauffeur's License Or Identification Card. Filed with the Rhode Island Secretary of State April 30, 2002 is reproduced in the Appendix @ xviii.

Supreme Court Citations

White v. Nicholls, 44 U.S. (3 How.) 266, 11 L.Ed. 591 (1845) at page 288 7

Shapiro v. Thompson, 394 U.S. 618, 630 (1969) Passenger Cases, 7 How. 283, 492 (1849) 10

Rhode Island Citations

State v. Campbell, 9 R.I. 370 (1969) 12

American Jurisprudence Citations

11 Am. Jur. 1st @ 1135 11

Statement of the Case

This case presents a rare if not unique issue to the court for analysis. It questions both the application of Constitutional rights and the application of the Fourteenth Amendment judicial analysis.

This matter has been determined by the Rhode Island Supreme Court and a Motion for Reargument was denied on June 3rd, 2008.

The claim of the application of the Ninth Amendment was raised and briefed in the Rhode Island District Court. The same claim was raised in a trial de novo before the Rhode Island Superior Court. The claim was again raised before the Rhode Island Supreme Court on brief and oral argument, although the Court's decision failed to fully address the issue raised. (See Appendix @ ix)

Petitioner lives in the United States of America and retains certain inalienable rights guaranteed to him by the United States Constitution. Additionally, he claims that his common law rights remain inviolate under the Bill of Rights, specifically the Ninth and Tenth Amendments.

In all cases below Petitioner asserts Ninth Amendment rights as the defense to a charge of operating a motor vehicle without first applying for and obtaining an operator's license. The State of Rhode Island requires a person applying for an operator's license to provide a Social Security number, in effect mandating a person to waive various Ninth Amendment

guaranteed rights and submit himself to a "privilege" afforded under the Fourteenth Amendment.

Upon attaining the age of majority, without objection by the State of Rhode Island, he timely filed an Affidavit with the Secretary of State of Rhode Island explicitly clarifying his relationship to the state and federal governments and rescinding any actions done on his behalf (although none had been taken) while under the disability as a minor that may have been conceived of as a tacit ratification of the Fourteenth Amendment. (See Appendix @ xx)

The Petitioner is not challenging the authority of the state to enact laws compatible with the Un ted States Constitution. Petitioner is challengi g the State's demand that he be required to involuntarily enter into a contract with the federal government by which he would surrender various rights to the Federal Government; thereby changing his citizenship status, to accept a Social Security number allowing him access to a plethora of federal benefits which he does not wish to seek eligibility.

The Petitioner was convicted of the offense of operating a motor vehicle without applying for an operator's license. Petitioner has never denied driving an automobile on public highways for personal reasons, however, he denies operating a motor vehicle for commercial purposes.

The Petitioner relies on his Ninth

Amendment guarantee of his right to retain his rights; his right not to be compelled to contract; and his right to personal travel and locomotion under ordinary means and within constitutional limitation.

Albeit a rarity in modern society, the Petitioner in this instant case is not driving under "privilege" but is driving "in possession of right".

The Petitioner is additionally relying on the explicit right not to be forced into entering into a contract.

Petitioner contends that mandating him to waive his rights guaranteed to him under the Ninth Amendment in order to obtain the privilege to drive governed by the "privilege" analysis of the Fourteenth Amendment is tantamount to government coercion insofar as it requires him to relinquish his "rights" to the Federal Government (i.e. Right to travel, Right to trial by jury, etc.) as they are constitutionally guaranteed to him, to obtain the "privilege" to drive. If rights retained by the people under the Constitution's Ninth and Tenth Amendments are true and valid, then they cannot be deemed waived without consent, either direct or tacit. Petitioner has done neither.

Rhode Island judicial opinions in motor vehicle cases have consistently applied the judicial concept Fourteenth Amendment "privilege" analysis. Therefore, as an aid in this analysis Petitioner presented the following review standard for clarification and to place the Petitioner's legal Rights into their proper context.

COMMON LAW RIGHTS

UNITED STATES CONSTITUTION

9th & 10th Amendment	10th Amendment	Constitutional Protections
STATE CITIZEN RIGHTS	STATES RIGHTS (waived by ratification[2])	FEDERAL[1] CITIZEN
Retained 9th & 10th Protection	(X) 14th Amend. Fed Citizen	
STATE CITIZEN	(9th & 10th Waived by Citizen)	FEDERAL CITIZEN

Common Law[3] Inalienable Rights — Privileges and Immunities

[1] Prior to the ratification of the 14th Amendment, the only federal citizens were those born in the District of

Petitioner, however, contends that such analysis strictly applies to that class of citizens who have either explicitly or implicitly adopted the provisions of the Fourteenth Amendment, having waived their Ninth Amendment guaranteed rights. He contends that he has not waived his Ninth Amendment protections and as such the State cannot unilaterally waive his constitutionally guaranteed rights; thus, the rights retained by him under the Ninth Amendment remain sacrosanct.

Columbia or those naturalized under the Constitution.

[2] The states waived their rights to the Federal government. Since a State cannot force a person to relinquish a constitutional right, the Fourteenth Amendment can only be applied to those who directly or tacitly waive their personal Ninth Amendment rights, otherwise, for example, the State could waive a person's Fourth Amendment rights without the person's consent.

[3] Most analysis related to "privilege" is done through the 14th amendment, but prior to its adoption, it was through common law. Those not ratifying the 14th Amendment should be judged under the common law analysis.

Argument

The matter presents a case of first impression questioning the applicabitity of the Fourteenth Amendment insofar as it conflicts with the Ninth Amendment.

The Petitioner, being born in Rhode Island, has never applied for a Social Security number and therefore is not eligible for Federal benefits.

The State of Rhode Island requires a social security number as part of its application for a Rhode Island Operator's license.

Whereas obtaining a Social Security number is a voluntary act, there is no illegality in not having such a number.

The Petitioner relies on his constitutionally retained rights secured by the Ninth Amendment. As such, he has not applied for a Social Security number and remains in full possession of his rights as a state Citizen at the time of the signing of the Constitution and its Bill of Rights.

To comprehend this distinction, one must first recognize the meaning of the word "right" and its distinction from the word "privilege". A right is something innate and "God-given". Either one has a right or one does not. A privilege, on the other hand, is legally distinct from a right, and as such, a privilege may be granted or denied where a right cannot be denied unless "waived" by the person in possession of the right.

Petitioner takes the position that the constitutional right to freely travel and

locomotion, except if for hire, applies to his instant situation. Rhode Island, having ruled that an operator's license is a privilege as opposed to a right, has routinely applied a Fourteenth Amendment analysis to travel on its highways. Petitioner contends that Fourteenth Amendment "privilege" analysis cannot apply to state Citizens possessing constitutional "rights" guaranteed them under the protections of the Ninth Amendment.

Petitioner argues that he is not a Fourteenth Amendment federal citizen, either by birth or by application, and as such possesses all rights guaranteed him under the Ninth Amendment. Having purposely avoided any participation with the federal government which would implicitly or impliedly indicate any contracting between him and the federal government, the Petitioner considers himself governed by the original rights found in the Constitution of the United States of America at its signing and guaranteed him under the Ninth Amendment and not the "privileges and immunities" afforded those under the Fourteenth Amendment.

The Petitioner maintains that he is constitutionally guaranteed the freedom to contract or not contract with the federal government. As such, the Petitioner has consciously determined that he will not enter into a contract of adhesion with the federal government lest he implicitly waive his rights guaranteed him under the Ninth Amendment to the United States Constitution and become

governed by the Fourteenth Amendment.

The Petitioner further asserts he has never directly or indirectly manifested that he has ever waived his constitutional, natural or common law rights endowed and guaranteed to him. In fact, the Petitioner has acted to the contrary. Upon attaining the age of majority, without objection by the State of Rhode Island, he timely filed an Affidavit with the Secretary of State of Rhode Island explicity clarifying his relationships to the state and federal governments and rescinding any actions done on his behalf (although none had been taken) while under the disablity as a minor that may have been conceived of as a tacit ratification of the Fourteenth Amendment.

Since the Petitioner has not contracted with the federal government in any manner, other than in a manner expressed in the original Constitution of the United States, his Ninth and Tenth Amendment's rights remain in tact. He has not implicitly waived himself into the Fourteenth Amendment and has not subjected himself to the application of its privileges.

Petitioner is a natural state Citizen, and, as such, is distinguishable from a citizen of the United States by way of the Fourteenth Amendment to the United States Constitution. [4]

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[4] Since two classes of citizens exist, it cannot be logical or legal to apply the same standard of stare decisis. The decisions made under color of the Fourteenth Amendment "privilege" rationale are not applicable in the instant case whereby the right is asserted independent of the

While the states, through ratification or through contract with the federal government, have, both tacitly as well as explicitly, waived their Ninth and Tenth Amendment rights to the federal government, the Petitioner, concedes that the States are rightly and legally governable under Fourteenth Amendment analysis. The Petitioner, having neither implicitly nor explicitly waived or conceded his rights, contends that he is not governed by the Fourteenth Amendment's application of "privilege" where he has an existent constitutionally guaranteed right.

Not having personally ratified the Fourteenth Amendment either explicitly or tacitly via contracting with the United States government, the relationship between the federal government and the Petitioner is premised on his Ninth Amendment rights guaranteed to him and preserved by him.

Petitioner readily admits that the federal government and citizens can enter into a contract (such as contracting to have a Social Security number issued by the federal

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fourteenth Amendment and the argument of equal protection it affords. It is interesting to note, however, that two classes of legal opinions existed (one for federal citizens and the other for state citizens under the US Constitution) and were recognized as such by the US Supreme Court prior to the Fourteenth Amendment. White v. Nicholls, 44 U.S. (3 How.) 266, 11 L.Ed. 591 (1845) at page 288

government) in which, with knowledge and consent, one then voluntarily waives his Ninth Amendment rights to become a federal citizen, and submits himself to the Fourteenth Amendment and its privilege analysis. This is not the case here.

The Petitioner has specifically articulated his aversion to being a federal citizen under the Fourteenth Amendment and upon his reaching the age of majority, specifically filed a document with the Rhode Island Secretary of State affirming that position.

Petitioner contends that when the State mandates the application for a federal tax number through the Social Security Administration in order to obtain an Operator's license, the state is requiring him to waive rights retained by him under the Ninth Amendment protections to the Federal Government. As such, the state is de facto forcing the Petitioner to waive his rights in order to receive an operator's license, a mere privilege to drive on its highways. In order to comply, the Petitioner must knowingly submit himself to the Fourteenth Amendment, thereby waiving all his Ninth Amendment rights, among which, ironically is his constitutional right to travel and locomotion to the extent it is guaranteed him through the Ninth Amendment prior to the Fourteenth Amendment[5]

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[5] "This Court long ago recognized that the nature of our Federal Union and our constitutional concepts of personal

The failure to supply a Social Security number prohibits the Petitioner from obtaining a license under Rhode Island law and upon an agency order promulgated to implement the law. (See Appendix @ xviii)

Regardless, the Petitioner contends that he has a right to travel and locomotion on the public highways as long as it is not for commercial gain, a concept recognized in American Jurisprudence prior to the Fourteenth Amendment.[6]

The Petitioner does not deny that the State of Rhode Island has the right to regulate under the powers of public health and safety, however, the Petitioner argues that if one has not obtained a "privilege", then the "privilege" analysis of the Fourteenth Amendment is inapplicable.

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liberty unite to require that all citizens be free to travel throughout the length and breadth of our land uninhibited by statutes, rules, or regulations which unreasonably burden or restrict the movement (the proposition was early stated by Chief Justice Taney in the Passenger cases, 7 How. 283, 492 (1849)." Shapiro v. Thompson, 394 U.S. 618, 630 (1969)

[6] "Personal liberty largely consists of the Right to Locomotion - to go where and when one pleases - only so far restrained as the Rights of others may make it necessary for the welfare of all other citizens. The right of the Citizen to travel upon the public highways and to transport his property thereon, by horsedrawn carriage, wagon, or automobile, is not a mere privilege which may be permitted or prohibited at will, but the common Right

The Petitioner agrees that the State has power to regulate but insists that in the instant case, this legislation and its implementing rule are in excess of that authority. The Supreme Court of the State of Rhode Island held in State v. Campbell, 9 R.I. 370 (1969) @ page 373;

"the primary purpose of the licensing procedures in this area is to exclude from the highways those operating motor vehicles who have not establish their compliance with some minimal standards of competence and skill in the operation of vehicles and thereby secure the safety of the traveling public."

The Petitioner asserts that in order to regulate those claiming retained rights via the Ninth Amendment, the State must legislate under a strict scrutiny test of compelling state interest and in a least intrusive manner.

The Petitioner asserts that there is no public safety rationale for making a Social Security number requisite for obtaining an operator's license. Without its reliance upon Fourteenth

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which he has under his Right of Life, liberty, and the pursuit of happiness. Under this constitutional guarantee one may, therefore, under normal conditions, travel at his inclination along the public highways or in public places, and while conducting himself in an orderly and decent manner, neither interfering with nor disturbing another's Rights, he will be protected, not only in his person, but in his safe conduct." *footnotes omitted 11 Am. Jur. 1St 1135.*

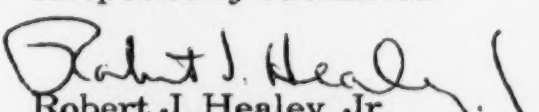
Amendment analysis, the State is constitutionally required to demonstrate a compelling state interest in public safety to so require a Social Security number as a prerequisite for obtaining the license. Thus, the Petitioner contends that the state statute, as implemented through a promulgated rule, requiring him to contract with the Federal Government and waive his Ninth Amendment rights, cannot pass constitutional muster in that it would apply a Fourteenth Amendment privilege analysis to a situation requiring the stricter test of "compelling state interest".

The Petitioner takes the position that the State has legislated in a most intrusive manner and not for a compelling State interest. The requirement of a Social Security number to obtain an operator's license is not rationally related to the issue of demonstrating the minimal compliance standard of operation of a vehicle for safety on a highway.

Conclusion

For the reasons set forth above, the Writ of Certiorari should be granted.

Respectfully submitted



Robert J. Healey, Jr.
Counsel of Record and
Attorney for the Petitioner
August 28, 2008

APPENDIX

SUPREME COURT OPINION

Supreme Court
No. 2007-135-Appeal
(P3/05- 1694A)

State :

v. :

Grant Garvin. :

Present: Williams, C.J., Goldberg, Flaherty, Suttell, and Robinson, JJ.

OPINION

Chief Justice Williams, for the Court. The defendant, Grant Garvin (defendant), after a jury-waived trial in the Surperior Court, for operating a motor vehicle without a driver's license, in violation of G.L. 1956 Section 31-11-18. The defendant asserts on appeal that the Superior Court lacked jurisdiction to hear this case.

Facts and Travel

The facts of the case are not in dispute. On October 20, 2004, An East Providence police officer noticed a vehicle with a nonfunctioning third brake light, operated by defendant, traveling on Pawtucket Ave. After pulling over the car, the officer asked the defendant for his

defendant admitted to the officer that he never had applied for a Rhode Island driver's license. After confirming that the Registry of Motor Vehicles had no record of defendant, the officer issued defendant a summons to appear before the District Court. The defendant was convicted of operating a motor vehicle without a license in the District Court on May 31,2005; he took an immediate appeal to the Superior Court. Before the trial started in the Superior Court, defendant filed a motion to dismiss for lack of jurisdiction in accordance with Rule 12(b) of the Superior Court Rules of Criminal Procedure. The trial justice denied the motion at a pretrial hearing, and trial commenced eight days later.

The only testimony at defendant's trial was from the East Providence police officer responsible for the summons. After the state rested, defendant filed a motion to dismiss due to insufficient evidence pursuant to Rule 29(b) of the Superior Court Rules of Criminal Procedure, presenting the same argument that he had offered in his pretrial motion to dismiss. The trial justice denied defendant's motion because "the State clearly had met its burden of ***producing*** evidence to support the elements of the charge."

The trial justice found defendant guilty of operating a motor vehicle without a driver's license, in violation of § 31-11-18. On August 9, 2006, the trial justice ordered defendant to pay the minimum possible fine, $250. The defendant timely appealed to this Court.

II
Analysis

On appeal, defendant challenges the Superior Court's jurisdiction in this case, claiming that the charging statute does not apply to him personally. To support this assertion, defendant argues that he is a "sovereign state citizen" of the State of Rhode Island, and as such, he has a fundamental right under the Ninth Amendment to the United States Constitution to travel without interference from the state.

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1 In his brief, defendant appears at times to challenge the requirement under G.L. 1956 Section 31-10-26(1) that he provide his Social Security number to obtain a driver's license. The defendant never has applied for or been denied a driver's license in this state, and he certainly was not charged under that statute. Thus, a challenge to that statute is not properly before this court.

A
Standard of Review

"[T]his Court reviews de novo any determination pertaining to whether a defendant's constitutional rights have been infringed," Moniz v. State, 933 A.2d 691, 694 (R.I. 2007) (citing Burke v. State, 925 A.2d 890, 892-93 (R.I. 2007)). However, unless the party challenging a statute's constitutionality can "prove beyond a reasonable doubt that the act

or the United States Constitution, this Court will not hold the act unconstitutional." Mackie v. State, 936 A.2d 588, 595 (R.I. 2007) (quoting Cherenzia v. Lynch, 847 A.2d 818, 822 (R.I. 2004)).

B
Jurisdiction

The defendant initially challenges the Superior Court's jurisdiction, arguing that the charging statute does not apply to him. The defendant does not challenge the Superior Court's jurisdiction over criminal appeals from the District Court, which is clear under G.L. 1956 § 12-22-1. Instead, defendant's argument is a constitutional challenge to the laws and/or regulations relating to the issuance of a Rhode Island driver's license.

A challenge to the constitutionality of a charging statute does not equate to a challenge to the Superior Court's jurisdiction. The proper recourse for a defendant charged under an unconstitutional statute is a motion to dismiss based on the statute's unconstitutionality. See, e.g., State v. Russell, 890 A.2d 453, 458 (R.I. 2006) (Superior Court granted pretrial motion to dismiss based on unconstitutional over-breath of the charging statute).

Thus, because defendant's arguments, though passionately made, do not address the issue of jurisdiction, we conclude that defendant's assertions concerning jurisdiction

Insofar as defendant has articulated a constitutional challenge under the misnomer of jurisdiction, we will address those arguments as well.

C
Right to Travel

After reviewing defendant's brief to this Court, we agree with the trial justice that "the real question [presented], is whether the State of Rhode Island has the authority to require its inhabitants to apply for and be granted a driver's license before operating a motor vehicle within the State." The defendant asserts that the state's driver's-license requirement infringes on his fundamental right under the state and federal constitutions to travel unencumbered within the state. Thus, defendant argues that § 31-11-18 is unconstitutional because it declares it to be a misdemeanor for the offense of operating a motor vehicle on state highways without first obtaining a driver's license. The defendant's contentions are without merit.

First, the defendant does not have a fundamental right to unregulated travel by automobile within this state. "[T]his [C]ourt has expressly ruled that the right to operate a motor vehicle on the public highways is not a fundamental right." Allard v. Department of

Transportation, 609 A.2d 930, 937 (R.I. 1992) (citing Berberian v. Lussier, 87 R.I. 226, 231-32, 139 A.2d 869,872 (1958).

Second, defendant's contention that his right to travel is subject to a strict scrutiny Ninth Amendment analysis and not a Fourteenth Amendment rational basis analysis because he is a

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"sovereign state citizen" is completely without merit. 2 See United States v. Mundt, 29 F.3d 233, 237 (6th Cir. 1994) (describing the same argument as "completely without merit and patently frivolous"); United States v. Gerads, 999 F.2d 1255, 1256 (8th Cir. 1993) (rejecting as frivolous the defendants' contention that they were "not citizens of the United States, but rather "Free Citizens of the Republic of Minnesota""); United States v. Sloan, 939 F.2d 499, 501 (7th Cir. 1991) (noting that a defendant's proposition that he is not subject to the jurisdiction of the laws of the United States is simply wrong'). Therefore, under Fourteenth Amendment due process analysis, this Court need determine only whether "a rational relationship exists between the provisions of the [statute] and a legitimate state interest." Riley v. Rhode Island Department of Environmental Management, 941 A.2d 198,206 (R.I. 2008) (quoting Cherenzia, 847 A.2d at 825)). The defendant, therefore, bears the substantial burden of demonstrating that no rational

§ 31-11-18 and some legitimate state interest. The defendant failed to meet this burden.

We do not hesitate to conclude that the state may prohibit unlicensed drivers from operating a motor vehicle on the state's public highways as a valid exercise of the state's police power.[2] Furthermore, it is evident that § 31-11-18 is rationally related to the state's legitimate interest in maintaining the safety of its public thoroughfares. See Berberian, 118 R.I. at 455, 374 A.2d at 795 ("[T]he state has a legitimate interest in preventing the operation of motor vehicles by those unable to exercise mature judgment ***."). We therefore conclude that § 31-11-18 is constitutional as applied to motor-vehicle operators on the state's public highways, including the defendant, regardless of his unwillingness to recognize the federal government.

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2 Even if strict scrutiny were the appropriate analytical tool (and it is not), we would not hesitate to hold that the driver's-license requirement would survive such analysis. The public safety benefits of that requirement are so enormous that they clearly outweigh the almost de minimus burden on the citizen having to submit to the licensing process.

Conclusion

In light of the foregoing, we affirm the trial justice's judgment of conviction and remand the record to the Superior Court.

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Order on Petition to Reargue

Supreme Court
No. 07-135-A

State :

v. :

Grant Garvin :

ORDER

The petition to reargue is denied.

Entered as an Order of this Court this 3rd day of June 2008.

By Order

"s/" Jean Maggiacomo
Clerk

RULES AND REGULATIONS RELATING TO SUBMISSION OF DOCUMENTS BY APPLICANTS FOR AN OPERATOR'S LICENSE, CHAUFFEUR'S LICENSE OR IDENTITY CARD.

1. New applicants for operator's licenses, chauffeur's licenses or identification cards must submit documentation as evidence of their identity, their signature and their Rhode Island residence.

a. Pursuant to RIGL Section 31-1-18, a resident is a person:

1. who owns, rents, or leases real estate within this state as his or her residence and:

(i) engages in a trade, business, or profession in this state; or

(ii) enrolls his or her children in a school in this state for a period exceeding ninety (90) days; or

2. who is registered to vote or is eligible to register to vote under the laws of this state.

2. (a) In addition to the requirements contained in the preceding paragraph, at operator's license, chauffeur's license or security number that has been assigned to that person.

(b) In the event that an applicant does not have a valid social security number, an applicant may produce a valid (ITIN) that has been assigned to that person by the Internal Revenue Service.

(c) After May 31, 2002, sworn affidavits stating an applicant does not have a social security number will no longer be accepted by the Division of Motor Vehicles instead of a social security number.

3. Notwithstanding the preceding paragraph, an applicant for a commercial license as described in Chapter 31-10.3 may not submit an ITIN instead of a social security number. Applicants for commercial licenses continue to submit a valid social security number.

NOTICE OF DECLARATION AND RESERVATION OF RIGHTS

Be it hereby known to all courts, governments, and other parties, that I, Grant Garvin, am a "free born" adult individual having been born within the State of Rhode Island and Providence Plantations, of "free born" parents who were each born within this State, thus, by my birth and parentage and having reached the legal age of majority on June 28, 1999, being competent to testify and having standing capacity, I do hereby make this "DECLARATION AND RESERVATION OF RIGHTS" of my own free will, and as such further depose and say:

First, That I, Grant Garvin, the undersigned, do hereby explicitly RESERVE and assert all of my unalienable Rights spelled out in the organic Constitution for the State of Rhode Island and Providence Plantations and the Constitution for the United States of America, with their "Bills of Rights," and my specific common law right not to be bound by any contract, privilege, or obligation which I have not entered into knowingly, willingly, voluntarily, intentionally, or intelligently and without misrepresentation, duress, or coercion, and DECLARE that I disavow myself from, and hereby revoke, rescind, and make void ab initio, each and every action taken by myself, or by my legal guardians on my behalf, without my informed consent and proper knowledge while I was still a minor; including but not limited to all

such filings and signatures signed by me or others, as they pertain to any and all such contracts, privileges, agreements, certificates (birth, etc.), forms, documents, instruments, license, writings, and/or papers of any and every type, implied by law or otherwise between me and all government or quasi-government agencies, tribunals, boards, bureaus, trusts, commissions, corporations (public or private), departments, entities, institutions, and/or instrumentalities, public or private organizations, public or private schools, churches, and the State of Rhode Island or the United States Federal Government, their respective political subdivisions and units thereof, or entities/agencies regulated by, or affiliated with, or created by, or formed with or under, by Treaty with, or enacted, by, through, with or under their Authorities.

Second, that I, Grant Garvin, was "free born" on June 28th, 1981, in and on the land known as Providence, Rhode Island (State/Republic) to parents who were both "free born" in and on the land of Providence, Rhode Island, and whereas, "All

persons born after the 1st of March, 1784, were free born." Town of Exeter v. Town of Warwick, 1 R.I. 63 (1834), I do hereby DECLARE that I am a natural "Free Born Citizen" of the State of

Rhode Island and Providence Plantations, in full possession of all my Constitutional and Common Law Rights; and that I am not a 14th Amendment "citizen of the United States" under Federal Government jurisdiction and in "residence" within the state of my birth possessing only the "privileges and immunities" which the Amendment grants to these citizens as such, nor am I a "resident of," an "inhabitant of " a "franchise of," a "subject of," a "ward of", the "property of," the "chattel of", or "subject to the jurisdiction of" any governments – corporate or body politic.

Third, that I, Grant Garvin, do hereby DECLARE that I am not a "subject" of any government because I possess this unique status, thus, be it known to all that I do not voluntarily consent to those Statutes in Rhode Island Law which are in excess of being "necessary to carry this Constitution into effect." and which violate or which materially hamper or burden my defined and implied Rights as codified in the Rhode Island Constitution or which are in conflict with the stated purpose in the Preamble "to secure and to transmit the same, unimpaired, to succeeding generations."

Fourth, that I, Grant Garvin, do hereby DECLARE that because I possess this unique status, be it known to all that I do not voluntarily consent to those Statutes in the United States Code which are in excess of the specific powers delegated to Congress by the States or which violate the provisions of the

Constitution of the United States of America's Bill of Rights, thus, I further DECLARE, that I hereby RESERVE all my Unalienable Rights, thankfully endowed to me by GOD, enumerated in America's / Rhode Island's founding organic documents, which I have never with knowing intelligent acts waived, and also, RESERVE my natural common law Right not to be compelled to perform under any contracts, privileges, adhesions, that I did not, or do not enter into knowingly, voluntarily, and intentionally, and do not, and will not accept the liability associated with the compelled and pretended "benefit" of any hidden or unrevealed contract, privilege, adhesion or agreement, commercial or otherwise; whereas such, hidden or unrevealed adhesions of whatever forms that supposedly create obligations to perform for persons of subject status, are inapplicable to me, and are null and void, when in fact, I've given no such "waivers", nor conferred such "jurisdiction; being that "Waivers of Constitutional Rights not only must be voluntary, they must

be knowingly, intelligent acts, done with sufficient awareness of the relevant circumstances and consequences. "Brady v. U.S., 379 U.S. 742 at 748 (1970)

Fifth, That I, Grant Garvin, DECLARE

and do hereby assert my full SOVEREIGN POWER and its JURISDICTION over every government, subdivision or instrumentality and over every agent, both real and/or pretending to act under "color of law" in the name of said governments and their instrumentalities, and further; do hereby reject, and disavow, any and all obligations to any and all laws, rules, regulations, enactments, treaties, executive orders, and legislative acts, both real and/or colorable, that are not in strict compliance with the organic Constitution for the State of Rhode Island (1843) and Constitution for the United States of America (1789), being that, I, derive my Rights from GOD, as codified in the Constitution of the United States of America, the Constitution of Rhode Island and from Common Law, standing in my capacity and status as a natural "free born state Citizen", in full possession of all my Common Law and Constitutional Rights, and NOT under State jurisdiction as a Fourteenth Amendment resident citizen, hereby further DECLARE, that I do not give my "voluntary consent" or "acceptance" to government authority in excess of their Constitutional limits and powers.

Sixth, That I, Grant Garvin, further DECLARE, I was free born; I am a free man; I am an American; I am sovereign; and as such, the ultimate legal authorities – the Constitutions, acknowledge my inherent, natural Rights and guarantees them, totally and unconditionally, against even the State and/or the government of the United States of America,

and WHEREAS, my own governments are forbidden from infringing my Rights and Freedom, I shall NEVER bow to alien power, to alien authority, to alien dictates, and the Constitutions require my governments to ensure this sovereignty; THEREBY, I shall defend my freedom, my life, and my property against all assault, as is my inherent and incontrovertible right, and I shall likewise defend my Constitutions, which guarantee my rights and Freedom, against all assault.

Seventh, That I, Grant Garvin, at last DECLARE, "I shall stay free", WHEREAS, the foregoing, including my "STATUS" and GOD given "UNALIENABLE RIGHTS", are not negotiable.

The use of notary below is for identification only, and such use does NOT grant any jurisdiction to anyone.

Subscribed and sworn, without prejudice, and with all Rights

reserved, and sealed by the voluntary act of my own hand, "now for then" to the date of my natural free birth, as GOD is my Witness, this 1st Day of July, 1999, and;

FURTHER AFFIANT SAITH NOT.

"s/ Grant Garvin
Without Prejudice,
by Special Appearance,
in Propria Persona, proceeding Sui Juris.
41 Hunts Mills Road
Rumford, R.I. 02916

*Affiant reserves his Right to change, alter, or amend this document.

Subscribed and sworn to before me this 1st day of July, 1999.

"s/ Valerie A. Perry
Notary Public Common Law Seal
My Commission Expires: 5/4/2002

Common Law Seal
Valerie A. Perry
Notary Public
Rhode Island

Received and filed this 16 day of July, 1999

"s/ Lisa Maddox Common Law Seal:
State of Rhode Island and Providence Plantations
Providence County

Office of
Secretary of State
Administrative Office
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